



The Five W's of the Home and Community-Based Services (HCBS) Rule

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Presentation Agenda

- > **Introduction**
- > **WHO** is affected by the HCBS rule?
- > **WHAT** is it?
- > **WHEN** will changes happen?
- > **WHERE** are we right now?
- > **WHY** is this important to me?
- > **Comments and Questions**

Ever feel like you're in the wrong place?



WHO is affected by the HCBS Rule?
Are you sitting in the right CLE?

All 1915(c) waiver program participants and providers

- > ID/RD CC
- > PDD MCC
- > HASCI HIV/AIDS
- > CS Mechanical Ventilator

PDD Waiver Note: Autism Spectrum Disorder Services moving to the State Plan

Allows for the State to create a 1915(i) State Plan Optional Benefit



WHAT is the HCBS Rule?
Does it actually impact my clients?

Independent. Integrated. Individual.

Home and Community-Based Services should:

- > Protect your rights as an individual
- > Take place in an integrated setting
- > Give you access to your community
- > Focus on what your goals are
- > Provide you with choices

Two Primary Areas of Focus:

- **Person-Centered Service Planning**
 - 42 CFR 441.301(c)(1) - Process
 - 42 CFR 441.301(c)(2) – Plan Requirements
 - 42 CFR 441.301(c)(3) - Review
- **Home and Community Based Settings Requirements**
 - 42 CFR 441.301(c)(4)





Person-centered Planning Process

42 CFR 441.301(c)(1)

“The individual will lead the person-centered planning process where possible.”



Person-centered Service Plan

42 CFR 441.301(c)(2)

“The person-centered service plan must reflect the services and supports that are important for the individual to meet the needs identified through an assessment of functional need, *as well as what is important to the individual* with regard to preferences for the delivery of such services and supports.”



Person Centered Planning Process

Conflict of Interest Guidance:

42 CFR 441.301(c)(1)(vi)

- **CMS seeks to separate service coordination from service provision**
- **Exception:**
 - State demonstrates that the only provider willing and qualified to do case management and service plan is also only provider of HCBS in a geographic area
 - State must create conflict-of-interest protections



Review of the Person-Centered Service Plan

42 CFR 441.301(c)(3)

“The person-centered service plan must be reviewed, and revised upon reassessment of functional need...at least every 12 months, when the individual’s circumstances or needs change significantly, or at the request of the individual.”

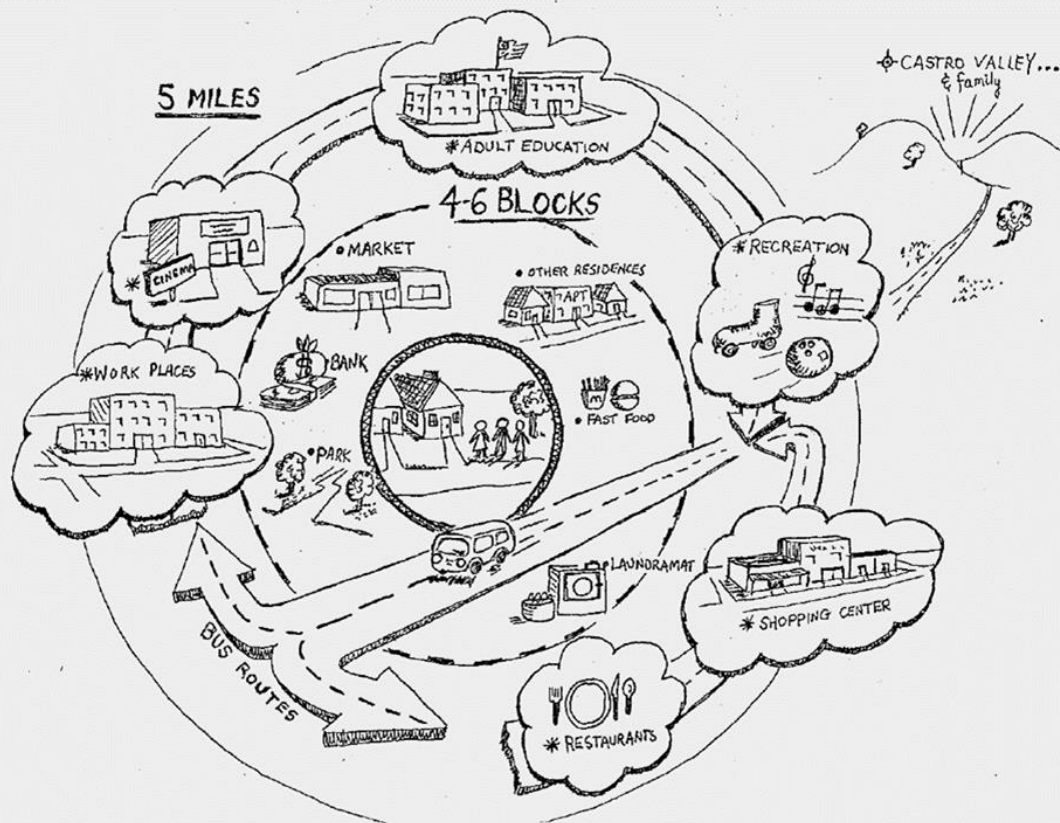


Person-Centered Planning

- > Individual at the center
- > Support System
- > Informed Choice
- > Convenient
- > Understandable



- > Not Cookie-cutter
- > Holistic
- > Strengths & Preferences
- > Goals & Outcomes
- > Support Needs



HCB Settings Requirements

Graphic Source: O'Brien, C.L. and O'Brien, J. (2000). *The Origins of Person Centered Planning*. Retrieved from: http://www.nasddds.org/uploads/documents/The_Origins_of_Person_Centered_Planning_Obrien_and_Obrien.pdf

All Home and Community-Based Settings Requirements

42 CFR 441.301(c)(4)(i-v)

- i. The setting is integrated in and supports full access to the greater community
 - i. Includes opportunities to seek employment and work in competitive integrated settings
 - ii. Engage in community life
 - iii. Control personal resources
 - iv. Receive services in the community



All Home and Community-Based Settings Requirements

42 CFR 441.301(c)(4)(i-v)

- ii. The setting is selected by the individual from options which include non-disability specific settings
- iii. Ensures an individuals rights of privacy, dignity, respect, and freedom from coercion and restraint.



All Home and Community- Based Settings Requirements

42 CFR 441.301(c)(4)(i-v)

- iv. Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices**
- v. Facilitates individual choice regarding services and supports, and who provides them**



Residential HCB Settings Requirements

42 CFR 441.301(c)(4)(vi)(A-F)

- A. **Living space can be owned, rented, or occupied by an individual under a legally enforceable written agreement**
 - Same responsibilities and protections from eviction as all tenants under landlord tenant laws
- B. **Individual has privacy in their sleeping/living unit**
 - Lockable by the individual
 - Choice of roommate
 - Freedom to furnish or decorate



Residential HCB Settings Requirements

42 CFR 441.301(c)(vi)(A-F)

- c. Individuals have the freedom and support to control own schedules and activities, and have access to food at any time.
- d. Individuals are able to have visitors at any time.



Residential HCB Settings Requirements

42 CFR 441.301(c)(vi)(A-F)

- E. The setting is physically accessible to the individual
- F. Any modification to any of these requirements must be supported by a specific assessed need and justified in the person-centered service plan.
 - Specific requirements for documentation of any modification can be found at 42 CFR 441.301(c)(4)(vi)(F)(1-8).





All that sounds great!
WHEN can I expect this to happen?

Deadline for full compliance with the HCBS Rule is March 17, 2019

- > SC has until then to carry out its transition plan

Certain requirements should already be implemented:

- > Person-Centered Service Planning



WHERE is SC on its transition timeline?

South Carolina Submitted the Statewide Transition Plan on February 26, 2015.

> Waiting for approval from CMS

Providers will begin to go through a self-assessment and a site-visit.

Beneficiary experience & satisfaction surveys being developed and conducted



WHY is this important to me?

For More Information

Visit: scdhhs.gov/hcbs

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**Comments?
Questions?**